



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

February 4, 1997

Mr. Scott A. Kelly  
Assistant General Counsel  
The Texas A&M University System  
301 Tarrow, 6th Floor  
College Station, Texas 77843-1230

OR97-0232

Dear Mr. Kelly:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 103361.

The Texas A&M University System (the "system") received two related requests for information from Dr. Mary Zey and Dr. Steve H. Murdock. You inform us that Dr. Murdock has narrowed the scope of his original request, and that the system has released to Dr. Murdock all information responsive to his amended request. On the other hand, you claim that the information requested by Dr. Zey is excepted from disclosure under section 552.103 of the Government Code because it is related to pending litigation involving the Dr. Zey and the system.

Pursuant to section 552.301(b), a governmental body is required to submit to this office (1) general written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld, (2) a copy of the written request for information, and (3) a copy of the specific information requested or representative samples, labeled to indicate which exceptions apply to which parts of the documents. You did not, however, submit to this office copies or representative samples of the specific information that Dr. Zey has requested.

In accordance with section 552.303(c) of the Government Code, this office notified you by facsimile on December 10, 1996, that you had failed to submit the information required by section 552.301(b). We requested that you provide this information to our office within seven days from the date of receiving the notice. The notice further stated that under section 552.303(e) failure to comply would result in the legal presumption that the information at issue is public information.

You did not provide our office with the information that was requested. Therefore, as provided by section 552.303(e), the information that is the subject of this request for information

is presumed to be public information. In the absence of a demonstration that the information at issue is confidential by law or that other compelling reasons exist as to why the information should not be made public, you must release the information. Open Records Decision No. 195 (1978).<sup>1</sup>

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have any questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway  
Assistant Attorney General  
Open Records Division

KEH/ch

Ref: ID# 103361

cc: Dr. Mary Zey  
Texas A&M University  
Department of Sociology  
College Station, Texas 77843-4351

Dr. Steve H. Murdock  
Texas A&M University  
Department of Sociology  
College Station, Texas 77843-4351

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<sup>1</sup>We note that the distribution of confidential information is a criminal offense. Gov't Code § 552.352.